Serial No.: 10/748,285
Amendment dated: June 4, 2007
Office Action dated: March 2, 2007

REMARKS/ARGUMENTS

Claims 1-20 are pending in the application and stand rejected in the Office Action of

March 2, 2007.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-2, 11-12, and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable

over Rotenberg et al ("Trace Cache: a Low Latency Approach to High Bandwidth Instruction

Fetching", herein referred to as "Rotenberg". Claims 3, 13, and 18 are rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Rotenberg, in view of Nair (U.S. Patent No. 6,304,962).

Claims 4-5, 14-15, and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Rotenberg in view of Nair in view of Patel. Claims 6-7 are rejected under 35 U.S.C. § 103(a) as

being unpatentable over Rotenberg in view of Andrew S. Tanenbaum, ("*Structured Computer

Organization*", 1984. Pg. 10-11) hereinafter Tanenbaum. Claim 8 is rejected under 35 U.S.C. §

103(a) as being unpatentable over Rotenberg in view of Nair and in view of Tanenbaum. Claims

9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rotenberg in view of Nair

and in view of Patel and in view of Tanenbaum.

The Office Action dated March 2, 2007 states that "Rotenberg does not teach that the

multiple traces have a same beginning instruction," but that it does teach how such features

would be advantageous. Office Action, page 3. The mere fact that a reference speculates as to

future developments in the art, however, does not mean that it teaches those future developments

for purposes of anticipation. "To anticipate, the reference must . . . enable one of skill in the art

to *make* and *use* the claimed invention." Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc., 58

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U.S.P.Q.2d 1508, 1512 (Fed. Cir. 2001) (emphasis added). The Rotenberg reference is not an

enabling reference as it relates to path associativity because although it mentions path

associativity as being a possible aspect of a future embodiment, it is silent regarding how to

implement it into a trace cache, and none of the additional references cited cure this deficiency.

The Examiner has, therefore, failed to make a *prima facie* case of obviousness.

For at least all the reasons mentioned above, applicant asserts that claims 1-20 are

allowable. Accordingly, applicant respectfully requests the rejection under 35 U.S.C. § 103(a) be
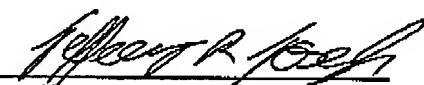
withdrawn.

The Commissioner is hereby authorized to charge payment of any additional fees and/or

patent application processing fees required under 37 C.F.R. § 1.16 and § 1.17 or credit any

overpayment to Deposit Account No. 11-0600

Respectfully submitted,

KENYON & KENYON LLP

Dated: June 4, 2007   By: _____
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